

# EXHIBIT I

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS WHITFIELD,

Defendant.

No. CR 07-0366 VRW

**DECLARATION OF POLICE  
OFFICER ROBERT KOBOLD IN  
SUPPORT OF UNITED STATES'  
OPPOSITION TO DEFENDANT'S  
MOTION TO SUPPRESS PHYSICAL  
EVIDENCE**

Hearing: August 28, 2007  
Time: 10:30 a.m.  
Court: Hon. Vaughn R. Walker

I, Officer Robert Kobold, do hereby declare:

1. I have been employed by the City and County of San Francisco as a San Francisco Police for 8 months.
2. On April 29, 2007 at approximately 6:00 p.m., while on duty, Officer Reboli and I were investigating an individual Officer Reboli believed had a no bail warrant issued against him. Officer Morrow and Anderson responded to our location as backup at Sunnydale

1 Avenue and Santos Avenue in San Francisco, CA.

2 3. Officer Anderson recognized the individual at the intersection of Sunnydale Avenue and  
3 Santos Avenue as Marcus Whitfield, who was reported suspect in a domestic battery  
4 incident, which was reported on April 28, 2007.  
5

6 4. On April 28, 2007, Officer Anderson, along with Officer Ortiz responded to the scene of  
7 the domestic battery at 1855 Sunnydale Avenue, San Francisco, CA and spoke to the  
8 victim, Cavia Daniels, and recognized Marcus Whitfield from a San Francisco Police  
9 Department mugshot photo.  
10

11 5. Marcus Whitfield was placed under arrest at the intersection of Sunnydale Avenue and  
12 Santos Avenue in San Francisco and transported to the Ingleside Police Station.

13 6. A computer check revealed that Mr. Whitfield was on felony probation until June 21,  
14 2009 and subject to a warrantless search condition.  
15

16 7. Marcus Whitfield's home address of 1855 Sunnydale Avenue, San Francisco, CA is on  
17 file with the San Francisco Probation Department and is reflected in Mr. Whitfield's  
18 criminal history.


19 8. On April 29, 2007, while on duty, I participated in a probation search of Marcus  
20 Whitfield's residence at 1855 Sunnydale Avenue, San Francisco, CA.  
21

22 9. On April 29, 2007 at approximately 8:15 p.m. the following police officers were present  
23 at 1855 Sunnydale Avenue, San Francisco, CA.: myself, Officer Campos, Officer Trail  
24 and Officer Kobold. All four of us were dressed in San Francisco Police Department  
25 police uniforms

26 10. Upon approaching the residence, Officer Trail and I positioned ourselves at the back door  
27 of the residence. Officer Campos and Reboli went to the front door of the residence.  
28

- 1 11. At no time either outside or inside of the residence, did I or any other police officer have  
2 our hands on our firearms or display our firearms. Our firearms remained holstered.  
3  
4 12. In a second floor, bedroom, I observed a firearm and a loaded magazine laying next to the  
5 firearm underneath a bed mattress.  
6  
7 13. The firearm was an Intratec Tech-9 9m submachine gun.  
8  
9 14. The majority of the clothing inside the bedroom were adult male clothes with smaller  
10 boys clothes mixed in  
11  
12 15. I spoke to Donecia Colvin briefly. Ms. Colvin told me there was a picture of Marcus on  
13 the upstairs dresser. Ms. Colvin appeared calm and cooperative.  
14  
15 16. After the Probation search was conducted, Officer Reboli and I processed and booked  
16 Marcus Whitfield at the Ingleside station. Whitfield stated his home address was 943  
17 Drake Avenue, Sausalito, CA. Marcus Whitfield's booking information therefore states a  
18 home address of 943 Drake Avenue in Sausalito, CA., because that was the home address  
19 Whitfield stated to Officer Reboli and myself.

20 I declare under penalty of perjury that the foregoing is true and correct.  
21

22  #1592 07/27/07  
23 Officer Robert Kobold, Star #1592  
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